

SENATE BILL 1651

By Burks

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 39, to add certain juvenile sexual offenders to the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-39-202, is amended by adding the following new definitions:

( ) “Violent juvenile sexual offender” means a person fourteen (14) years of age or more but less than eighteen (18) years of age who has been adjudicated delinquent in this state for any act that, if committed by an adult, constitutes a “violent juvenile sexual offense”, as defined in this section, or has another qualifying adjudication, as defined in subdivision (2). When a violent juvenile sexual offender becomes eighteen (18) years of age, such offender shall become a violent sexual offender and this part governing violent sexual offenders shall be applicable to such violent juvenile sexual offender;

( ) “Violent juvenile sexual offense” means an adjudication of delinquency for any act that, if committed by an adult, constitutes the criminal offense of:

- (A) Aggravated rape under § 39-13-502;
- (B) Rape of a child, under § 39-13-522;
- (C) Criminal attempt, under § 39-12-101, to commit any of the offenses enumerated in this subdivision; or
- (D) Aggravated rape of a child, under § 39-13-531.

( ) “Registering agency” means a sheriff's office, municipal police department, metropolitan police department, campus law enforcement agency, the Tennessee

department of correction, a private contractor with the Tennessee department of correction, court with juvenile court jurisdiction, or institution, home, school or other location in which a violent juvenile sexual offender is located, or the board;

SECTION 2. Tennessee Code Annotated, Section 40-39-203, is amended by adding the following new subsection (p):

(p) A juvenile court, or other court exercising juvenile jurisdiction, that adjudicates a juvenile delinquent for conduct that qualifies such juvenile as a violent juvenile sexual offender, shall, within forty-eight (48) hours, transmit the information set out in subsection (i) pertaining to such violent juvenile sexual offender, to the TBI for inclusion on the SOR.

SECTION 3. Tennessee Code Annotated, Section 40-39-202, is amended by inserting the following between the third and fourth sentences of subdivision (2):

An adjudication for a delinquent act committed in another jurisdiction that would be classified as a violent juvenile sexual offense under this section, if committed in this state, shall be considered a violent juvenile sexual offense for the purposes of this part.

SECTION 4. Tennessee Code Annotated, Section 40-39-206, is amended by adding the following as a new subsection:

(g)

(1) Notwithstanding this section, the information concerning the violent juvenile sexual offender transmitted from the juvenile court shall not be public information. Only members of a law enforcement agency, qualified members of the judiciary designated by the appropriate judge, or probation and parole officers, acting in their official capacity, shall have access to the information on violent juvenile sexual offenders.

(2) When the violent juvenile sexual offender becomes eighteen (18) years of age, the information about such offender shall become public and the provisions of this section shall apply.

SECTION 5. Tennessee Code Annotated, Section 40-39-204, is amended by designating existing subsection (b) as subdivision (b)(1) and by adding the following new subdivision (b)(2):

(2) At least once during the months of March, June, September, and December of each calendar year, all violent juvenile sexual offenders shall report in person to the juvenile court in which the adjudication occurred to update the offender's fingerprints, palm prints and photograph, as determined necessary by the agency, and to verify the continued accuracy of the information transmitted to the TBI by the court form. If the offender is in custody, the offender shall provide this information to a person in the facility in which the offender resides who shall transmit it to the TBI.

SECTION 6. Tennessee Code Annotated, Section 40-39-207, is amended by deleting subdivision (g)(1)(B) and substituting instead the following:

(B) Has been convicted of a violent sexual offense, or has been adjudicated delinquent for a violent juvenile sexual offense.

SECTION 7. This act shall take effect on July 1, 2009, the public welfare requiring it and shall apply to all violent juvenile sexual offender's adjudicated delinquent for a violent juvenile sexual offense on or after such date.